

REMARKS

Claims 1 through 14 are currently pending in the Application. Claims 1-2, 7-8, and 10-13 stand rejected under 35 U.S.C. Section 102(b) as being anticipated by Menezes, et al. Claims 3-6 and 9 stand rejected under 35 U.S.C. Section 103(a) as being unpatentable over Menezes in view of Monnoyeur, et al. Claim 14 stands rejected under 35 U.S.C. Section 103(a) as being unpatentable over Menezes, et al., in view of Reichow, et al..

As a preliminary comment, the present invention is directed to, and as taught in the disclosure, a pair of glasses particularly useful in close up work to provide magnification and in-focus viewing of the side of one's face, for example, during shaving. By contrast, and as is common to all the cited references applied or not applied, those glasses are for forward viewing and not peripheral viewing. To move the field of view to the position as taught in the present invention would destroy the very function and functionality of the glasses disclosed in the cited references. Therefore, the references cannot be used to support either the anticipation rejections or the obvious rejections of the claims. Those rejections will be discussed in detail below.

Menezes, et al. disclose a multi-focal progressive addition lenses (PAL) with front and back aspheric PAL surfaces providing a gradual, continuous progression of vertically increasing dioptric power from far to near focus from top to bottom of the lens. By contrast, the present invention uses a substantially horizontal channel of constant positive power and not a vertically changing power. Additionally, the Menezes, et al. lens makes both front and back surfaces progressive addition surfaces and slightly dislocates the optical center of those surfaces with respect to their opposing surfaces resulting in both decreased unwanted astigmatism and relatively wider channel width though limited when compared with a unifocal lens. The channel is substantially vertical. Contrast the above to the present invention wherein both front and back

lens surfaces are spherical. Of particular merit is that the average though constantly changing, aspheric axis of the lens is still substantially forward looking and intended to optimize for forward looking not side looking as in the present invention. Although the optical centers of opposing surfaces are offset from each other, either by lateral displacement or rotation about the far zone optical axis, the overall optical axis of the useful vertical channel and its boundaries is forward looking and convergent toward the nasal, in a downward glancing near field.

Claims 1-2, 7-8, and 10-13 stand rejected as being anticipated by Menezes, et al. Claim 1 has been amended to more clearly point out the side viewing construction of the spheric lens element. This spheric construction and side viewing capability is neither disclosed nor even suggested by Menezes, et al. Menezes, et al. is directed to aspheric lenses and not the claimed spheric lenses. Thus, each and every element of the claims is not disclosed by Menezes, et al., therefore, the anticipation rejection must fail. Reconsideration and withdrawal of this rejection are respectfully requested.

Because Claim 1 is allowable, all claims that depend therefrom, directly or indirectly, are also allowable including Claims 3-6, 9 and 14 which stand rejected as being obvious over Menezes, et al., in view of Monnoyeur, et al. or Reichow, et al.

Even though all the claims are now in a condition for allowance, the obviousness rejections of the Claims is also discussed herein. Neither Menezes, et al., nor Monnoyeur, et al. disclose spherical surfaces as defined in all the claims of the instant application. Menezes, et al., and Monnoyeur, et al. both teach only aspheric lens surfaces. Thus, even their combination does not teach or suggest the present invention. For this reason alone, the obviousness rejection must fail as a matter of law since the combined references do not teach or suggest the present

invention as defined in Claims 3-6 and 9. Likewise, the rejection of Claim 14 as being unpatentable over Menezes, et al. in view of Reichow, et al. also fails.

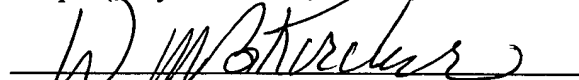
It is again reiterated, that all the eye glasses cited in the applied references, are for straight forward vision and not for side vision toward the nasal and temporal sides of the glasses. None of the glasses disclosed give normal front vision and magnified vision toward the temporal and nasal directions to the degree defined in the claims of present application. None of the applied references suggest such a side view magnification but are rather straight forward viewing where the optical axis is generally straight forward. To modify these art constructions in the applied references, would destroy their very functionality, that is, principally straight or forward looking or viewing. Figures 1 and 2 attached hereto show examples of the Menezes, et al. viewing geometry and an example of a viewing geometry of the present invention respectively illustrating the difference between forward viewing and peripheral viewing.

It is submitted that the claims are now in a condition for allowance which is respectfully requested.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's Amendment, or if the Examiner should have any questions regarding this amendment, it is respectfully requested that Examiner please telephone Applicants' undersigned Attorney in this regard.

Date: 7/22/2005

Respectfully submitted,



William B. Kircher,

Reg. No. 22,481

Blackwell Sanders Peper Martin LLP

4801 Main Street, Suite 1000

Kansas City, Missouri 64112

ATTORNEYS FOR APPLICANT